

Victor Daniel Soltero K36340

HIGH DESERT STATE PRISON DS-210

P.O. Box 3030

Susanville, CA 96127

FILED

APR 28 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

April 25, 2008

Office of the Clerk U.S. District Court

Northern District of California

450 Golden Gate Avenue

San Francisco, CA 94102

Attn: Nichole Heuerman, Deputy Clerk

E-filing

Re: Soltero v. Mc Grath et al., case No. 07-4256 PJH
(PR) (FILED AUG 8, 2007); Soltero v. Mc Grath et al., case No.
CV08-1763 PJH (PR) (FILED APR 2, 2008).

Dear Office of the Clerk, U.S. District
Court,

friendly greetings). Plaintiff, an inmate at High
Desert State Prison, has filed a prose civil rights
complaint under 42 U.S.C. § 1983. He has been granted
leave to proceed in forma pauperis, Soltero v.
Mc Grath et al., No. 07-4256 PJH (PR).

Plaintiff has timely complied with court
order (to AMEND COMPLAINT) dated March 10, 2008.
"The amended complaint must include the caption
and civil case number used in this order and the
words AMENDED COMPLAINT on the first page." (see
inclosed copy of order pg. 4, L12-14.).

Plaintiff has received an notice (file date Apr 2, 2008 from your Clerk's) office, notifying him that his amended complaint is now filed under an new case number Soltero v. McGrath et al. CV08 1763 PJH (PR), and the Plaintiff must apply for grant to proceed in forma pauperis.

This has given the Plaintiff pause to presume there may have been some confusion, where his AMENDED COMPLAINT pursuant to the March 10, 2008, order, may have been received and filed by the Clerk as an new Complaint under 42 U.S.C. 1983.

Should this new case number and grant to proceed in forma pauperis notification be the correct protocol:

- (1) The Plaintiff apologize(s) for being presumptuous;
- (2) Forwards (here inclosed) completed application to proceed in forma pauperis, (better the Court have it and not need it, than for it to be needed and the court not having it.);
- (3) Requests to be notified which caption and case number the complaint is now filed under.

Should there have been an clerical error and the case is to be filed under the caption

and civil number used on the March 10, 2008,
court order:

- (1) Please move forward with inclosed Notice to
the Court;
- (2) Ensure the record reflects the Plaintiff's
timely filing of the said-AMENDED COMPLAINT;
- (3) Ensure the Plaintiff is not required to pay nor
be charged unwarranted filing fees pursuant to
in forma pauper's application protocols.

Thank you for your prompt attention
to this matter.

Sincerely,

4, 20, 2008

